

April 29, 2019

William Henry Kennedy
2834 Atlantic Avenue, Unit 815
Atlantic City, NJ 08401

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MAY - 3 2019

AT 8:30 M
WILLIAM T. WALSH, CLERK

Jerome B. Simandle, U.S. District Judge
United States District Court of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

In Reference: *William Henry Kennedy v. AT&T et al*
Civil Action No. 1:18-cv-14847-JBS-KMW

Dear Honorable Judge Simandle,

Plaintiffs allege in the Lawsuit above that although they had originally signed up for an unlimited data plan from AT&T for \$30 a month for life with the purchase of an iPhone in 2008-9, AT&T later capped or throttled their data such that they were forced to switch to a higher priced plan with a maximum amount of allowed data usage. Plaintiffs further allege that AT&T engaged in a "bait and switch" that resulted in them being charged higher prices for their AT&T service than they had originally agreed to. The Plaintiffs have asserted a variety of theories of liability, including claims under the FTC Act, the Lanham Act, 47 U.S.C. §§415(e) and 415(g) and under New Jersey common law.

AT&T denies the allegations in the complaint and denies that it is liable to the Plaintiffs under any legal theory.

The parties, after engaging an in arm's-length negotiations, have agreed to a settlement for less than Plaintiffs claim(s) to move forward. However, there is a glitch, while plaintiff requested a fast settlement of: before the Reply motion is due on the date of this letter. AT&T has decided to delay payment for 20 days or earlier by the attorney and 30-days by the settlement agreement, even though plaintiffs explained it must be completed "totally" before Saturday, April 27, 2019 so not to be late with this Court in filing Reply papers. More, their attorney has not agreed to enter any stipulation or letter on

anyone's behalf until payment is satisfied. Which to this *pro se* filer, looks like a nice thing to do.

Plaintiff, to this Court, must respectfully request a stay and leave to file a late Replay papers if AT&T fails to pay the settlement which they could do any day, or in the alternative 20 or 30 days from Saturday, April 27, 2019 depending on who to believe.

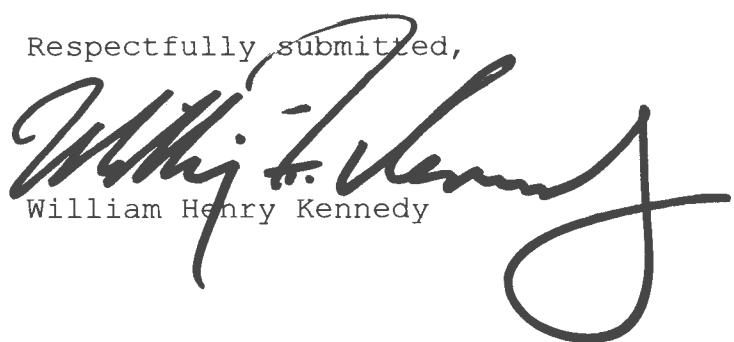
This delay was not known to Plaintiffs until Saturday April 27, 2019 when Plaintiffs could not go to the Rutgers library to look up legal cases where: a Defendant claimed not to be a party; moved to be removed as a party to the case; objected to a leave to amend for the party they claimed not be connected to; and requested to dismiss the case (as a possible non-party). Making appeal difficult since the "real" party possibly would not be appealing a decision should the court deny leave to amend from a non-party objector. All of which sounds very strange to think about it.

Plaintiff respectfully called this Court on Monday April 29, 2019 and explained the above and was told a letter dated today would satisfy the predicament of a timely filed letter requesting a stay pending AT&T's delay.

Plaintiff apologizes for any inconvenience. Perhaps AT&T will send settlement shortly.

Thank You.

Respectfully submitted,



William Henry Kennedy

William Walsh
2834 Newark Ave Unit 815
Bronx NY 10460



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